

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on April 7, 2003.

I. DISPUTE

Whether there should be reimbursement for CPT Codes 95900, 95904, and 95935 for date of service September 30, 2002.

II. RATIONALE

EOBs were submitted for the disputed date of service denying the treatment as “K – Payment withheld. The HCP provided T/S outside his/her scope of practice.

- CPT Code 95900 (10)– According to the Texas Board of Chiropractic Examiners, on July 24, 1998 the Board ruled that nerve conduction studies were part of the scope of practice of a licensed DC in Texas. These tests would include all nerve conduction studies such as needle EMG, somato-sensory evoked potential studies, visual evoked potentials, H reflex, amplitude and latency studies. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (IV)(D) and CPT descriptor, submitted test results support services were rendered as billed. Reimbursement in the amount of \$640.00 is recommended (\$64.00 x 10).
- CPT Code 95904 (6) – According to the Texas Board of Chiropractic Examiners, on July 24, 1998 the Board ruled that nerve conduction studies were part of the scope of practice of a licensed DC in Texas. These tests would include all nerve conduction studies such as needle EMG, somato-sensory evoked potential studies, visual evoked potentials, H reflex, amplitude and latency studies. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (IV)(D) and CPT descriptor, submitted test results support services were rendered as billed. Reimbursement in the amount of \$384.00 is recommended (\$64.00 x 6).
- CPT Code 95935 (4) -- According to the Texas Board of Chiropractic Examiners, on July 24, 1998 the Board ruled that nerve conduction studies were part of the scope of practice of a licensed DC in Texas. These tests would include all nerve conduction studies such as needle EMG, somato-sensory evoked potential studies, visual evoked potentials, H reflex, amplitude and latency studies. Per the 1996 Medical Fee Guideline, Medicine Ground Rule (IV)(B)(2)(b) and CPT descriptor, submitted test results support services were rendered as billed. Reimbursement in the amount of \$106.00 is recommended (\$53.00 x 2).

IV. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor is entitled to reimbursement for CPT Codes 95900, 95904, and 95935 in the amount of \$1,130.00. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$1,130.00 plus** all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 01st day of April 2004.

Marguerite Foster
Medical Dispute Resolution Officer
Medical Review Division

MF/mf